

REMARKS-General

1. The newly drafted independent claim 23 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 23-31 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

Response to Rejection of Claims 1 and 15 under 35USC112

2. The applicant submits that the newly drafted claims 23-31 particularly point out and distinctly claim the subject matter of the instant invention, as pursuant to 35USC112.

Response to Rejection of Claims 1-3, 6, 7, 9, 10, 15, and 19 under 35USC103

3. The Examiner rejected claims 1-3, 6, 7, 9, 10, 15, and 19 over Price (US 5,678,491) in view of Pleiss (US 2,311,612) and further in view of Sliverman (US 1,757,260). Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

4. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

5. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Price which is qualified as prior art of the instant

invention under 35USC102(b) are obvious in view of Pleiss and/or Sliverman at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

6. The applicant respectfully submits that in order to determine whether the differences between the subject matters sought to be patent as a whole of the instant invention and the primary prior art, Price, are obvious in view of the supplemental cited arts, Pleiss and Sliverman, we have to identify all the differences between the claims of the instant inventions and Price. The applicant respectfully identifies the differences between the claims of the instant invention and Price as follows:

(a) In claim 23, **“a L-shaped reinforcing arm having a longitudinal portion extended from the transverse member and a transverse portion extended from one of the standing leg”** is claimed to strengthen the leg frame, wherein Price merely teaches, in column 7, lines 53-57, a leg assembly includes a lower cross member 114 extended between two opposing legs 116, 118, and a center vertical brace 119 extended from the lower cross member 114 to upper cross support 34 without any mention of any L-shaped reinforcing arm. The applicant respectfully submits that the longitudinal portion of the reinforcing arm is extended from the transverse member and the transverse portion of the reinforcing arm is extended to the respective standing leg. The L-shaped reinforcing arm has a unique structure that the T-shaped structure of Price (the cross member 114 and the center vertical brace 119) cannot be used or substituted to achieve the objectives of the instant invention.

(b) In claim 23, **“a first end of the retaining arm is pivotally attached to the transverse portion of the reinforcing arm of one of the leg frames and a second end of the retaining arm is pivotally attached to the transverse member of another leg frame”** is claimed to guide the leg frames at the unfolded position, wherein Price merely teaches each of folding braces 120 is connected between the leg 116 and the cross support 122 without any mention of any folding brace extended to another leg at an opposite side of the table. In fact, there is no component taught by Price to extend from one of the two leg assemblies to another leg assembly.

Most importantly, the Examiner alleges that the T-shaped structure in Price is considered as the L-shaped reinforcing arm of the instant invention that the transverse

portion of the reinforcing arm can be made up of the portion (A') of the cross member 114 and the longitudinal portion of the reinforcing arm can be made up of the center vertical brace 119. Price merely teaches the Y-shaped folding brace 120 has three ends coupling with the leg 116, the center vertical brace 119 and the cross support 122 respectively without any pivot connection with the lower cross member 114. However, Price does not teach any pivot connection between the folding brace 120 and the cross member 114 such that Price fails to anticipate the first end of the retaining arm is pivotally coupled with the transverse portion of the reinforcing arm as claimed in claim 23 of the instant invention. As it is mentioned above, the applicant respectfully submits that the T-shaped structure of Price cannot be used in the instant invention because the leg assembly cannot be folded underneath the tabletop. Once the leg frame is folded under the tabletop, the cross brace 114 will hit another retaining arm extending from another leg frame to the respective transverse member. Therefore, the L-shaped reinforcing arm has a unique structure to allow the leg frame to fold at the folded position.

(c) In claim 23, "each of the retaining arms has **an adjustable control length** defining between the first and second ends" is claimed to allow the leg frame folding between the folded position and the unfolded position, wherein Price merely teaches the folding brace 120 includes a hinge device 120A to allow the folding brace 120 pivotally folding between the extended operative position and the retracted storage position. The applicant respectfully submits that when each of the leg frames is outwardly folded from the tabletop, the control length of each of the retaining arms is lengthened to retain the respective leg frame at the unfolded position, and when each of the leg frames is inwardly folded to the folded position, the control length of each of the retaining arms is reduced to allow the respective leg frame to rest on the tabletop.

(d) Price fails to anticipate and teach "the retaining arms are pivotally extended **between the two leg frames** at a position along a mid-longitudinal portion of the tabletop" as claimed in claim 24 in addition to what is claimed in claim 23 as a whole. Price merely teaches two folding braces 120 coupling with two leg assemblies respectively without any mention of any retaining arm extended from one leg frame to another leg frame.

(e) Price fails to anticipate and teach "the retaining arms are extended in a **parallel** manner to rest underneath the tabletop when said leg frames are pivotally folded at the folded position" as claimed in claim 24 in addition to what is claimed in claim 23 as a whole. Price merely teaches the two folding braces 120 are positioned at two opposed sides of the tabletop respectively without any parallelly extending with each other.

(f) Price does not teach "the retaining arms comprises a **tubular first arm member and a tubular second arm member** slidably and coaxially inserted into the first arm member to selectively adjust the control length between the first and second ends of the retaining arm" as claimed in claims 25 to 26 in addition to what is claimed in claim 23 as a whole.

(g) Price fails to teach any "**arm locker** to lock up the first arm member with the second arm member so as to retain the control length of the retaining arm" as claimed in claims 27 to 28 in addition to what is claimed in claim 23 as a whole.

(h) Price fails to teach "**two side supports** longitudinally mounted along two longitudinal edge portions of the tabletop, wherein the transverse members of the leg frames are pivotally mounted between the two side supports along the two transverse edge portions of the tabletop respectively" as claimed in claims 29 to 30 in addition to what is claimed in claim 23 as a whole.

(i) Price does not teach or suggest "the **T-shaped pivotal joint** having two corresponding axle ends rotatably coupling along the respective transverse portion of the reinforcing arm and a pivot end extended to the first end of the retaining arm" as claimed in claim 31 in addition to what is claimed in claim 23 as a whole. Price does not suggest any pivot connection between the cross brace 114 and the folding brace 120 as mentioned above.

7. Whether the claims 23 to 31 as amended of the instant invention are obvious depends on whether the above differences (a) to (i) between the instant invention and Price are obvious in view of Pleiss and/or Sliverman at the time of the invention was made.

8. Furthermore, the applicant respectfully submits that when applying 35 USC 103, the following tenets of patent law must be adhered to:

- (a) The claimed invention must be considered as a whole;
- (b) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (c) The references must be viewed without the benefit of hindsight vision afforded by the claimed invention; and
- (d) Reasonable expectation of success is the standard with which obviousness is determined.

Also, "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." Libbey-Owens-Ford v. BOC Group, 4 USPQ 2d 1097, 1103 (DCNJ 1987).

9. Pleiss merely teaches an ironing board (not the folding table) comprising two pairs of rods 16, 17 pivotally extended between the supporting legs 2 and the end legs 3 without any suggestion of how such rods 16, 17 extending between the transverse portion of the reinforcing arm of one of the legs 2 and the transverse member of the other leg 3. Most importantly, the rods 16, 17 are folded in a cross manner when the legs 2, 3 are folded at the folded position without any suggestion of how to fold the retaining arms in a parallel manner at the folded position. In addition, Pleiss merely teaches, in column 2, lines 32-35, the rods 16, 17 are pivotally connected to the legs 2, 3 by means of the pivot pin 15. The pivot pin 15 may be strong enough for the ironing board by definitely not strong enough for the foldable table.

10. Therefore, the applicant respectfully submits neither Price nor Pleiss suggests a foldable table containing the above distinctive features (a) to (i) as claimed in the instant invention as well as any combination or possibility of providing two identical L-shaped retaining arm at each of the leg frames and configuring two parallel retaining arms that each of the retaining arms has an adjustable control length to couple between the transverse portion of the reinforcing arm of one of the leg frames and the transverse member of another leg frame.

11. Silverman, on the other hand, merely teaches a folding table comprising a bracket means pivotally connecting to one of the legs 6 and the joint 25 wherein the bracket means comprises a rod 18 slidably received in a sleeve member 21. However, Silverman fails to teach or suggest how to couple the two bracket means between two legs and parallelly extend underneath the tabletop when the legs are folded at the folded position. In fact, Silverman merely teaches the rod 18 can be slid within the sleeve member 21 without any mention of any bracket means having an adjustable control length to couple between the transverse portion of the reinforcing arm of one of the leg frames and the transverse member of another leg frame.

12. "To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited art references for combination in the manner claimed... [T]he suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness..." *In re Gorman*, 933 F.2d 982, 986, 18 USPQ 2d 1885, 1888 (Fed. Cir. 1991).

13. Accordingly, the applicant believes that neither Price, Pleiss, nor Silverman, separately or in combination, suggest or make any mention whatsoever of the difference subject features (a) to (i) as claimed in the amended claims 23 to 31 of the instant invention.

14. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

The Cited but Non-Applied References

15. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

16. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 21-31 at an early date is solicited.



17. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

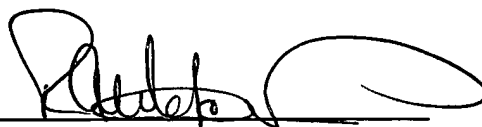
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CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

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